

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5950 of 2019**

Smt. Guddi Chandra @ Chandrakumari W/o Shiv Charan Chandra Aged About 30 Years R/o Village Karigaon, Tahsil And Police Station Malkharoda, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Dabhra, District Janjgir Champa, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Kamlesh Kumar Pandey, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**01/10/2019**

1. This is the third bail application under Section 439 of the CrPC. Earlier first bail application of the applicant was rejected by this Court on 07/01/2019 in MCRC No. 9328/2018 considering *prima facie* case against her. Her second bail application was rejected by this Court on 13/03/2019 in MCRC No. 1408/2019 considering *prima facie* case against her.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.230/2018 registered at Police Station Dabhra, District Janjgir-champa (C.G.) for the offence punishable under Section 294, 323/34, 506-B, 302, 307 of IPC.
3. Case of the prosecution, in brief is that on 17/05/2018 at about 07.30 p.m. in village Katoud some used disposal glasses were reached in the courtyard of the co-accused Kashi Prasad through air, applicant, co-accused Gourishankar, Kashi Prasad reached in front the house of deceased Keshav Prasad Chandra, they abused deceased Keshav Prasad Chandra, complainants Chheeti Bhushan Chandra and Smt. Rameshwari. Co-accused Gourishankar who had the iron rod caused injury on the head of deceased Keshav Prasad Chandra. Co-accused Kashi Prasad caused injury on the head of complainant Chheeti Bhushan Chandra. Co-accused Gourishankar and applicant had

beaten the complainant Smt. Rameshwari Bai by hands and fists. On 23/05/2018 deceased Keshav Prasad Chandra succumbed on account of injury sustained by him. As per the MLC report one lacerated wound was found on the head of complainant Chheeti Bhushan which was simple in nature.

4. Counsel for the applicant submitted that she is innocent and falsely implicated in the present case. He further submitted that applicant is in jail since more than one year. She had not caused any injury to any complainant, thus she may be released on bail.
5. Counsel for the applicant drew may attention on the photocopy of the statements of some prosecution witnesses.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant is reported in the police case diary.
7. This is well settled legal position that while dealing the bail application Court neither can appreciate the evidence nor scrutinize the evidence only the trial Court is competent to do so.
8. This is true that detention period of the accused is a considerable factor for disposal of the bail application, but equally it is also true that other circumstances like gravity of the offence, impact on society of granting bail are more important material factors for disposal of the bail application.
9. Looking to the above mentioned facts and circumstances of the case, this Court is not inclined to release the applicant on bail in third round of litigation.
10. Consequently, third bail application of the applicant is rejected. However, the trial Court is directed to expedite the trial and dispose of the case as soon as possible.

Sd/-
(Sharad Kumar Gupta)
Judge